

R E S O L U T I O N

WHEREAS, Dennis P and Janice L. Duley are the owners of a 9.68-acre parcel of land known as Parcel 2 and Parcel 7, Tax Map 118, Grid A-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 10, 2002, Dennis Duley filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 15 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02077, Dennis Duley Subdivision for Capital Christian was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 16, 2003, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 16, 2003, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/47/02), and further APPROVED Preliminary Plan of Subdivision 4-02077, Dennis Duley Subdivision for Lots 1-15 and Parcel A with the following conditions, including a Variation Request from Section 24-121:

1. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands, and wetland buffers, except for areas with approved variation requests, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”

2. At the time of final plat approval, the applicant shall dedicate a right-of-way along Rosaryville Road of 40 feet from the centerline of the existing pavement, as shown on the submitted plan.
3. Driveways for Lots 14 and 15 shall be designed with a turnaround capability to eliminate the need

for vehicles accessing these lots to back onto Rosaryville Road.

4. The Final Plat of Subdivision shall note a denial of access along Rosaryville Road for Lots 1, 2 and 13.
5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/47/02) and the following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/47/02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply is a violation of an approved tree conservation plan and will require mitigation under the Woodland Conservation/Tree Preservation Policy.”
6. Prior to the issuance of any building or grading permits, a Type II tree conservation plan shall be approved.
7. Development of this site shall be in accordance with the approved Stormwater Management Concept Plan #27260-2002-00.
8. Prior to the issuance of building permits for Lots 1, 12, 14 and 15, the existing dwelling on Lot 2 shall be connected to public water and sewer, and the existing septic tank shall be pumped by a licensed scavenger and backfilled with gravel or crushed in place.
9. With the exception of Lot 2, the applicant, his successors, or assignees shall pay a fee-in-lieu of mandatory park dedication prior to the approval of the final plat.
10. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Rosaryville Road, designated as a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the west side of Rosaryville Road approximately 400 feet northwest of its intersection with Brookwood Avenue and approximately 1,200 feet southeast of its intersection with Frank Tippet Road

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Residential	Residential
Acreage	9.68	9.68
Lots	0	15
Parcels	2	1
Dwelling Units:		
Detached	1	14 (for a total of 15)

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for the Dennis Duley Subdivision, 4-02077, and the revised Type I Tree Conservation Plan, TCPI/47/02, stamped as accepted for processing by the Development Review Division on December 10, 2002. The Environmental Planning Section supports the variation request for impacts to the stream buffer. The Environmental Planning Section recommends approval of 4-02077, subject to one condition listed at the end of this memorandum, and approval of TCPI/47/02. This site was previously reviewed as application P-02016 by the Environmental Planning Section. The proposal is for a 15-lot residential subdivision in the R-R Zone.

A review of the available information indicates that a small stream and adjacent areas of wetlands are found to occur on the southwest corner of the property. Transportation-related noise impacts have not been found to affect this property. The soils found to occur, according to the *Prince George's County Soil Survey*, include Aura and Croom gravelly loam, Croom sandy gravelly loam, and Iuka sandy loam, all of which have limitations that could affect the development of this property. According to available information, Marlboro Clay does not occur in the vicinity of this property. The sewer and water service categories are S-3 and W-3, according to information obtained from the Department of Environmental Resources, dated November 1, 2001. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this property. This property is located in the Dower House Pond Branch subwatershed of the Piscataway Creek watershed in the Potomac River basin and in the Developing Tier as reflected in the adopted *General Plan*. The *Subregion VI Master Plan* shows a limited area of natural reserve in the southwestern corner of the site.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A revised forest stand delineation (FSD), accepted for processing on October 10, 2002, indicates four stands totaling 7.38 acres and one specimen tree. This plan has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance.

The revised Type I Tree Conservation Plan, TCPI/47/02, has been reviewed. The plan proposes

the clearing of 5.71 acres of the existing 7.38 acres. The worksheet accurately notes that the Woodland Conservation Ordinance requires 3.56 acres of conservation for this proposal. The plan shows the minimum 40-foot cleared areas in the rear yards and 25-foot cleared areas on the side yards for all lots containing woodland conservation areas. The plan further proposes the conservation of 1.46 acres of woodland on-site to meet the requirements of the Woodland Conservation Ordinance, 0.21 acres of on-site woodland saved but not used to meet the requirements of the Woodland Conservation Ordinance, and 2.10 acres of off-site woodland conservation.

The *Subregion VI Master Plan* shows a limited area of natural reserve in the southwestern corner of the site. The Subdivision Ordinance provides for the protection of streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. The plan shows a stream and 50-foot stream buffer and wetlands and the 25-foot wetland buffers along the western property line.

All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets, and so forth, which are mandated for public health and safety; nonessential activities are those such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations.

The Prince George's County Soils Survey indicates that the principal soils on the site are in the Aura, Beltsville, Croom, and Iuka soils series. Aura and Croom soils are highly erodible and need extra care in design of erosion and sediment controls on slopes exceeding 15 percent. Beltsville and Iuka soils are subject to high water tables and impeded drainage that may affect the construction of houses on this site. Additionally, Beltsville soils are highly erodible and need extra care in design of erosion and sediment controls on slopes exceeding 15 percent.

The presence of two small wetlands suggests a locally high water table. High groundwater is problematic for both foundations and basements. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that appear to affect the site design or layout. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

The construction of a sewer line will require impact to the minimum 50-foot stream buffer required by Section 24-130 of the Subdivision Regulations. A variation request was received by the Environmental Planning Section on October 28, 2002. The preliminary plan of subdivision clearly indicates the proposed alignment of the sewer. Staff recommended approval of the variation for the proposed impact. The following is an analysis of the variation proposed. The text in *italics* represents the text from the Zoning Ordinance.

*Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:*

- (1) *The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;*

Further review prior to construction by the Washington Suburban Sanitary Commission and Maryland Department of the Environment will ensure that the impacts are not injurious to the health, safety or welfare of the community.

- (2) *The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;*

WSSC requires a gravity connection between the subject property and the existing sewer main. The alignment is governed by the location of the sewer main and by the topography of the area.

- (3) *The variation does not constitute a violation of any other applicable law, ordinance, or regulation;*

No other variances, departures, or waivers are required.

- (4) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;*

Due to the configuration of this site, the location of the existing sewer line, and the fact that no other reasonable options are possible that would further reduce or eliminate the extent of the proposed impact while allowing for the development of the property under its existing zoning, staff recommends approval of the variation.

5. **Community Planning**—The subject property is located in Planning Area 82A/Rosaryville and is subject to the 1993 *Subregion VI Study Area Master Plan*. The subject property was retained in the R-R Zone by the *Sectional Map Amendment for the Subregion VI Study Area*, approved May 1994. The plan recommends ‘Suburban’ (2.7–3.5 dwelling units/acre) residential land use at the subject location and this proposal is consistent with the plan recommendations and the 2002 General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(C) of the Subdivision

Regulations, Lot 2 is exempt from mandatory dedication requirements because it contains an existing dwelling unit.

In accordance with Section 24-134(a), the Park Planning and Development Division recommended that a fee-in-lieu of dedication be required for the remainder of the site because land available for dedication is unsuitable based on its size and location.

7. **Trails**— The Adopted and Approved Subregion VI Master Plan recommends that Rosaryville Road be designated as a Class III bikeway with appropriate signage. Because Rosaryville Road is a county right-of-way, the applicant and the applicant's heirs, successors, or assignee should provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are recommended to safely accommodate bicycle traffic. No equestrian trail connections are identified on the subject site in the master plan.
8. **Transportation**—The Transportation Planning Section reviewed the subject application. The subject property consists of approximately 9.68 acres of land in the R-R Zone. The applicant proposes a residential subdivision of 15 single-family detached lots.

The subject property is too small to require a traffic study. Recent traffic counts associated with Transnational Law and Business University and Putters Choice (Preliminary Plans 4-00064 and 4-00062) were available and were analyzed. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

This subdivision would receive its access onto Rosaryville Road. Therefore, the critical intersections for this development would be the intersections of Rosaryville Road/Frank Tippet Road and US 301/Rosaryville Road. Both intersections are signalized. Existing conditions are shown below:

<b>Existing Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)	
Rosaryville Road/Frank Tippet Road	1,281	883	C	A
US 301/Rosaryville Road	1,117	1,131	B	B

Staff has identified several approved developments in the area that would affect the subject intersections. With approved development added, the critical intersections would operate as follows:

<b>Background Traffic Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)	
Rosaryville Road/Frank Tippet Road	1,445	1,225	D	C
US 301/Rosaryville Road	1,301	1,292	D	C

The site is proposed for subdivision into 15 lots, and with one residence existing on the property, the net development would be 14 residences. Therefore, the site would generate 11 AM (2 in, 9 out) and 13 PM (9 in, 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 50 percent north along Rosaryville Road, 30 percent northeast along US 301; and 20 percent southwest along US 301. Given this trip generation, staff has analyzed the impact of the proposal. With the site added, the critical intersections would operate as follows:

<b>Total Traffic Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)	
Rosaryville Road/Frank Tippet Road	1,450	1,230	D	C
US 301/Rosaryville Road	1,304	1,294	D	C

Based on the staff's review of transportation adequacy issues in the area, the transportation staff notes that both intersections would operate acceptably in both peak hours.

Lots 14 and 15 of the plan propose direct driveway access from Rosaryville Road. Rosaryville Road is a master plan collector facility. The plan correctly shows dedication of 40 feet from centerline along Rosaryville Road. Staff is concerned about access to Lots 14 and 15 given the amount and speed of traffic using Rosaryville Road. Staff generally prefers that access to lots be directed onto internal streets whenever possible. However, regulations do not limit access, and staff recognizes that a number of lots up and down Rosaryville Road have driveway access onto

it. To limit access issues, all driveways must have a turnaround capacity to eliminate the need for vehicles accessing these lots to back onto Rosaryville Road. This needs to be made a condition of the subject plan.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded the following. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	14 sfd	14 sfd	14 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.36	0.84	1.68
Actual Enrollment	5416	4896	9660
Completion Enrollment	281	197	393
Wait Enrollment	604	225	451
Cumulative Enrollment	2.4	0	0
Total Enrollment	6306.76	5318.84	10505.68
State Rated Capacity	5364	4638	8770
Percent Capacity	117.58%	114.68%	119.79%
Funded School	N/A	N/A	Frederick Douglass addn.

Source: Prince George's County Planning Department, M-NCPPC, July 2002

The affected elementary, middle, and high school cluster capacities are greater than 105 percent. Rosaryville is the funded school in the affected elementary school cluster. There is no funded school in the affected middle school cluster. The Frederick Douglass addition is the funded school in the affected high school cluster. Therefore, this subdivision can be approved, in accordance with Section 24-122.02, with a six-year waiting period.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section reviewed the subdivision plans for adequacy of public facilities.

- A. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 6.21 minutes, which is beyond the 5.25-minute travel time guideline.
- B. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 6.21 minutes, which is within the 6.25-minute travel time guideline.
- C. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 8.15 minutes, which is beyond the 7.25-minute travel time guideline.

The above findings are in conformance with the 1990 *Adopted and Approved Public Safety Master Plan* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

The existing paramedic service located at Clinton Fire Station, Company 25, is beyond the recommended travel time guideline. The nearest fire station, Marlboro Company 45, is located at 7710 Croom Road and is 6.21 minutes from the development. This facility would be within the recommended response time for paramedic service.

- 11. **Police Facilities**— The proposed development is within the service area for District V—Clinton. In accordance with Section 24-122.01(c)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county police facilities will be adequate to serve the proposed Dennis Duley Subdivision development. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—The existing house on the property has an associated well and septic system located on the property. The septic system protrudes into the area of proposed Lot 1. The septic system needs to be properly abandoned prior to the approval of a final plat of subdivision for Lot 1.
- 13. **Stormwater Management**—On-site stormwater management is required. A Stormwater Management Concept Plan, CSD #27260-2002-00, was approved on October 17, 2002. A water quality pond will be located in the southwest corner of the property. Development of the site should be in accordance with this approved plan.
- 14. **Cemeteries**¾ General Note #8 on the preliminary plan states there are no cemeteries or historical features on or near the site.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Scott, seconded by Commissioner Lowe, with Commissioners Scott, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 16, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of February 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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